

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED *lc*
U.S. DISTRICT COURT
SOUTHERD DISTRICT OF NEW YORK
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CLERK

LAWLER MANUFACTURING CO., INC.

Plaintiff,

V.

Case No. IP98-1660-C-M/S

BRADLEY CORPORATION and
KEVIN B. KLINE,.

Defendants.

CONSENT JUDGMENT

NOW, this 5th day of March, 2001, the Court having entered an order on preliminary injunction on April 26, 2000, entered an Order on Motion for Reconsideration on July 12, 2000, and entered an Order construing certain claims of the patents in suit on November 30, 2000, it is hereby ORDERED, ADJUDICATED, AND DECREED, the parties agreeing:

1. That U.S. Patent No. 5,323,960 (the “’960 Patent”), and particularly Claim 1 thereof considered by the Court in its Orders, and U.S. Patent No. 5,647,531 (the “’531 Patent”), and particularly Claims 6 and 8 thereof considered by the Court in its Orders, are valid. Specifically, Claim 1 of the ’960 Patent and Claims 6 and 8 of the ’531 Patent are not invalid for anticipation under 35 U.S.C. § 102 or invalid for obviousness under 35 U.S.C. § 103, in view of any of the prior art, separately or collectively, presented to the

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Court or otherwise noticed by the defendants under 35 U.S.C. § 282, or any other prior art that could have been presented or noticed by defendants by reasonable investigation. The Court also finds that the '960 Patent and particularly Claim 1 thereof and the '531 Patent and particularly Claims 6 and 8 thereof are not invalid for failure to meet any requirements of 35 U.S.C. § 112.

2. Defendant Bradley has literally infringed Claim 1 of the '960 Patent by making, using, selling, and offering for sale in the United States, before the date of entry of this Consent Judgment, high low and emergency thermostatic mixing valves identified by Bradley as HL 80 (Model No. 3080), HL 130 (Model No. 3130), HL 200 (Model No. 3200) and EFX 60 (Model No. 2200), and has literally infringed Claims 6 and 8 of the '531 Patent in making, using, selling and offering for sale in the United States, before the date of entry of this Consent Judgment, emergency thermostatic mixing valves identified by Bradley as EFX 8 (Model No. 2000), EFX 25 (Model No. 2100) and EFX 60 (Model No. 2200).

3. Defendant Bradley and Kline are permanently enjoined until the expiration of the '960 Patent and the '531 Patent, respectively, from infringing, or assisting or aiding and abetting others to infringe Claim 1 of the '960 Patent and Claims 6 and 8 of the '531 Patent, including, but not limited to, the making, using, selling, offering for sale or importing of the high low and thermostatic mixing valves identified by Bradley as the HL 80 (Model No. 3080), HL 130 (Model No. 3130), HL 200 (Model No. 3200), EFX 8 (Model No. 2000),

EFX 25 (Model No. 2100) and EFX 60 (Model No. 2200), and any colorable imitations thereof. This injunction shall extend to all officers, directors, employees, officers, directors, subsidiaries, representatives and other persons and entities in privity with defendants Bradley and Kline.

4. The other claims in this case are resolved by a separate Settlement Agreement between the parties, and are dismissed herewith with prejudice subject to performance of the terms and obligations of that Settlement Agreement.

5. The parties will bear their respective costs.

Date:

March 8, 2001

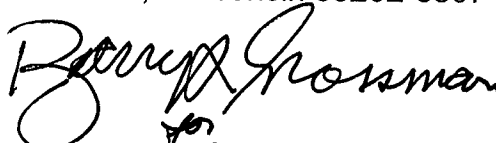

U.S. District Judge

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 - approved 3/5/01
for Bradley and Kline

Arland T. Stein - approved 3/5/01
for Bradley and Kline